



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,379	11/14/2003	Tsuyoshi Kamiya	01198.0279	9590
22852	7590	06/16/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			VANTERPOOL, LESTER L	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/712,379	<b>Applicant(s)</b> KAMIYA ET AL.	
	<b>Examiner</b> Lester L. Vanterpool	<b>Art Unit</b> 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on March 6, 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to applicant's amendment received on March 6, 2006.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Drouillard et al., (U.S. Patent Number 6050467). Drouillard et al., discloses the pair of roof rails (30) extended in parallel each other (See Figure 1) and connected to the roof of the vehicle (16) (See Figure 1 (column 2, lines 13 – 16);  
the cross rail (30) to connect the roof rails (12 & 14) (See Figures 1 – 3); and  
the stopper mechanism (32) (See Figures 2 & 3) includes the handle (26) operable to fix the cross rail (30) to the roof rail (12 & 14) (See Figures 2 & 3), the stopper mechanism (32) further includes the cam member (36) (column 3, lines 34 – 39) and the contact member (48) to contact the cam member (36) (column 3, lines 34 – 39);  
wherein

the cross rail (30) is movable relative to the roof rail (12 & 14) when the handle (26) is at the first position (See Figure 3) (column 4, lines 17 – 23) and the cross rail (30) is immovable relative to the roof rail (12 & 14) when the handle (26) is at the second position (column 4, lines 31 – 41) (See Figure 2);

and wherein the roof rail (12 & 14) compressively contact (24) the holder (See Figures 2 & 3) movable relative to the roof rails (12 & 14) upon movement of the contact member (48) relative to the cam member (36) (See Figures 2 & 3) when the handle (26) is at the second position (See Figure 2), and the shaft (See Figure 2) penetrates (See Figure 2) provided at the central portion of the cam member (36) and the contact member (48) (column 3, lines 34 – 39 & column 3, lines 50 – 65 & column 4, lines 18 – 24 & column 4, line 31 33). See Figures 1 – 3.

Regarding claim 2 as stated above, Drouillard et al., discloses the roof rails (12 & 14) (See Figure 1) compressively contact (24) by the movement of the contact member (48) when the handle (26) is at the second position (column 3, lines 33 – 65). See Figure 2.

Regarding claim 3 as stated above, Drouillard et al., discloses the contact member (48) is fixed to the handle (26) (See Figures 2 & 3) and is provided with the projection portion (See Figures 2 & 3) and the cam member (36) is fixed to the holder (See Figures 2 & 3) which is movable (See Figures 2 & 3) relative to the roof rails (12 &

14) and is provided with the cam surface (48) which contacts with the projection portion. See Figures 2 & 3.

Regarding claim 4 as stated above, Drouillard et al., discloses the holder (See Figures 2 & 3) is compressively contacted (24) with the roof rails (12 & 14) by the cam member (36) when the handle (26) is at the second position. See Figure 2.

### ***Response to Arguments***

4. Applicant's arguments filed on May 6, 2006 have been fully considered but they are not persuasive.

Applicant recites that Drouillard in combination with the above features [roof rack having parallel roof rails, a cross rail, and a stopper], does not disclose that the stopper including the cam member and a contact member for contacting the cam member, or that the roof rails compressively contact a holder movable relative to the roof rails upon movement of the contact member relative to the cam member when that handle is at the second position.

Examiner disagrees with applicant's remarks. Drouillard does disclose with the stopper (32) (See Figures 1 – 3) including the cam member (36) and the contact member (48) to contact the cam member (36) (See Figure 2), or that the roof rails (12 & 14) compressively contact (24) the holder (See Figure 2) movable relative to the roof

rails (12 & 14) upon movement of the contact member (48) relative to the cam member (36) when that handle (26) is at the second position (See Figure 2) (column 3, lines 34 – 68 & column 4, lines 1 – 46).

Applicant also recites that Drouillard in combination with the above features does not disclose that the shaft penetrates holes provided at the central portion of the cam member and the contact member.

Examiner disagrees with applicant's remarks. Drouillard does disclose the shaft (36) penetrating holes (See Figures 2 & 3) provided at the central portion (See Figures 2 & 3) of the cam member (48) and the contact member (48) (column 3, lines 52 – 65). See Figures 2 & 3.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.1369(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/712,379  
Art Unit: 3727

Page 7

  
**JES F. PASCUA**  
**PRIMARY EXAMINER**

LLV  
May 26, 2006